IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 19 OF 2007
IN
WRIT PETITION NO. 36 OF 2007

MR. VYAS RAMAKRISHNA PRABHU LAWANDE ... Applicant

Versus

THE LAND ACQUISITION OFFICER ... Respondent

Mr. J. P. Mulgaonkar, Advocate for the applicant.
Mr. G. Shirodkar,Addl. Govt. Advocate for the respondent.

Coram:- F.I. REBELLO, J.

Date:- 19th November, 2007

P.C.

This is a review preferred against order dated 22.6.2007. The review applicant herein filed the petition before this Court claiming interest on solatium. The reference Court fixed the market value @ Rs.12/- per sq.mtr. The State aggrieved and preferred an appeal. The matter was referred to the lokadalat wherein the parties settled the dispute. The relevant portion of the order of the Lokadalat reads as under :

" The parties have settled this matter @ Rs.7.50/- per sq. mtr. The statutory benefits granted by the reference Court including Advocate's fee are maintained." This order is dated 7.3.1998.

It appears that thereafter, the petitioner herein moved application dated 1.3.2005 before the reference Court contending that he should be paid interest on solatium. That application came to be dismissed by an order dated 31.8.2006. The petitioner aggrieved, preferred a writ petition before this Court. The learned Single Judge of this Court passed an order dated 22.6.2007 after considering the judgment in Gurpreet Sing Versus Union of India, reported in (2006)8, S.C.C., 457 and held that judgment

specifies that entitlement of interest on solatium considering the decision of Sunder's would be applicable if execution is pending. In the light of that the writ petition was dismissed. This is the subject matter of the present petition.

The fact remains that no proceedings were pending before any Court or tribunal at the time the Supreme Court pronounced the judgment in the Sunder's Case. Further once this Court has considered the ratio of the judgment in Gurpreet Singh case, it cannot be said that the judgment suffers from an error of law apparent in the face of the record. Hence, this review application is not maintainable and consequently disposed of.

F.I. REBELLO, J.

SMA